

REMARKS

Claims 1-12 are pending and presented for examination in the subject application, with claims 1 and 7 in independent form. Applicants have hereinabove amended claims 1-4 and 7-10 to place the claims in better form for examination and clarify the claimed invention.

Applicants maintain that no new matter is introduced by this Amendment. Accordingly, Applicants respectfully request that this Amendment be entered.

Objection to the Disclosure

In Section 1 of the May 20, 2003 Office Action, the disclosure was objected to as purportedly having informalities. The Examiner stated that the sentence on page 2, lines 13-14 contains awkward wording.

In response, Applicants have amended the specification hereinabove.

Accordingly, withdrawal of the objection to the disclosure is requested.

Rejection Under 35 U.S.C. §102(e)

In Section 2 of the May 20, 2003 Office Action, claims 1, 4, 7 and 10 were rejected under 35 U.S.C. §102(a) as purportedly anticipated by U.S. Patent No. 5,950,140 to Smith (hereinafter "Smith '140").

The Examiner stated that with regard to collecting the measured data items, as shown in claim 1 and 7, Smith '140 teaches using remote sensors to collect position information. The Examiner also stated that with regard to generating measurement data for

users according to contract conditions for each user, as shown in claims 1 and 7, and hierarchically grouping the data according to contract conditions for each user, as shown in claims 4 and 10, Smith '140 teaches gathering measurements and generating a report according to an user defined set of data.

Applicants maintain that the claimed invention cannot be anticipated by Smith '140 because Smith '140 fails to disclose each and every element of the claimed invention.

The present application relates to generation of ground measurement data for each of a plurality of contract users, with high quality and high reliability, based on various ground data items measured at one or more observation points. Conventionally, a base station receives ground data items measured by measuring instruments and sends the measured ground data items to a collection center via a communication line. For example, ground displacement is monitored based on the measured data items collected by the collection center. However, not all of the measured data items sent to the collection center from the base station are made available to the public. For example, the public receives disaster information which is based on only selected ones of the measured data items.

However, scientists and other technical users of ground data may desire and/or require all, another combination or other ones of the measured data items, or may desire access to the measured data items even when there is no disaster detected yet. In addition, some technical users may desire measured data items at one rate while other technical users may require measured data items at a different rate. Therefore, contracts may be formed with respective technical users to provide the technical users with measured data according to conditions specified in the

contract (i.e. contract terms or contract conditions) which are suitable to the technical users. According to the present application, measurement data is generated based on data items measured at one or more observation points, for each of a plurality of contract users, and the measurement data provided to a contract user is obtained by editing the measured data items according to contract conditions for the contract user.

Independent claim 1 is directed to a measurement data generating method applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument. The method comprises collecting the measured data items in a collection center, and generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data items according to contract conditions for each of the plurality of contract users.

Independent claim 7 is directed to a measurement data generating apparatus applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument. The apparatus comprises collecting means for collecting the measured data items in a collection center, and generating means for generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data items according to contract conditions for each of the plurality of contract users.

Smith '140 does not disclose or suggest the claimed invention. Smith '140, as understood by Applicants, is directed to use of real time positioning systems for precise monitoring of land masses. According to Smith '140, a slope of a land mass is monitored. Remote sensors configured to provide real time

position information are placed in selected positions on the slope.

The Office Action states that Smith '140 discloses collecting a user-defined set of data.

However, Smith '140 is not directed to an environment in which there are a plurality of contract users, the contract users do not control the collection of data, and instead each user contracts for measurement data to be generated which are edited from the collected data items according to contract conditions specific to the contract user. In particular, as pointed out by the Office Action, according to Smith '140, data collection is controlled by the user, and therefore the issue of what data is provided to the user is clearly specified by the data collected according to the user's wishes.

Applicants do not find disclosure or suggestion in Smith '140, however, of a measurement data generating method applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument, wherein the method comprises collecting the measured data items in a collection center, and generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data items according to contract conditions for each of the plurality of contract users, as provided by the invention claimed in amended claim 1, or a measurement data generating apparatus applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument, wherein the apparatus comprises collecting means for collecting the measured data items in a collection center, and generating means for generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data

items according to contract conditions for each of the plurality of contract users, as provided by the invention claimed in amended claim 7.

Regarding claims 4 and 10, Applicants respectfully point out that claims 4 and 10 depend on and include all the limitations of claims 1 and 7, respectively. Thus, claims 4 and 10 are patentable at least for the reasons set forth above with respect to claims 1 and 7.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102(a).

Rejection Under 35 U.S.C. §103(a)

In Section 5 of the May 20, 2003 Office Action, claims 2, 3, 5, 6, 8, 9, 11 and 12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Smith '140 in view of Japanese Patent Application No. JP 410112264A to Oishi (hereinafter "Oishi '264").

The Examiner stated that Smith '140 teaches all the limitations of claim 1 upon which claims 2, 3, 5 and 6 depend and claim 7 upon which claims 8, 9, 11 and 12 depend. The Examiner also stated that with regard to generating measurement data according to contract conditions, as shown in claims 3 and 9, Smith '140 teaches using an user defined set of data, as shown above with regard to claims 1, 4, 7 and 10. The Examiner further stated that Smith '140 does not teach generating data on the condition that each at least one measuring instrument does not malfunction, as shown in claims 2 and 8, or determining whether at least one of the measured data items is abnormal and giving a re-measurement instruction in the case where at least one measured data item is abnormal, as shown in claims 3, 5, 6, 9, 11 and 12.

The Examiner stated that Oishi '264 teaches determining whether a measurement value is abnormal or erroneous and making a remeasurement when data is abnormal. The Examiner also stated that Oishi '264 teaches displaying data when it is judged to be correct.

The Examiner alleged that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the creep monitoring apparatus, as taught by Smith '140, to include checking to make sure measurements are normal and remeasuring when an abnormal measurement is detected, as taught by Oishi '264, because more accurate measurements purportedly would have been made and inaccurate measurements would not have been included in the data collection.

Applicants maintain that Smith '140 and Oishi '264 do not render obvious the claimed invention. The claimed invention is patentable over Smith '140 and Oishi '264 for at least the following reasons.

As mentioned above, Smith '140 fails to disclose or suggest a measurement data generating method applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument, wherein the method comprises collecting the measured data items in a collection center, and generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data items according to contract conditions for each of the plurality of contract users, as provided by the invention claimed in amended claim 1, or a measurement data generating apparatus applied to a system for observing a ground based on various data items measured at one or more observation points by

at least one measuring instrument, wherein the apparatus comprises collecting means for collecting the measured data items in a collection center, and generating means for generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data items according to contract conditions for each of the plurality of contract users, as provided by the invention claimed in amended claim 7.

Oishi '264 does not cure the deficiencies of Smith '140.

Oishi '264, as understood by Applicants, is directed to a convergence inspecting device which automatically finds an abnormality in received values and does not display the erroneously calculated results of the color drift quantity for protection.

Oishi '264 like Smith '140 is not directed to an environment in which there are a plurality of contract users, the contract users do not control the collection of data, and instead each user contracts for measurement data to be generated which are edited from the collected data items according to contract conditions specific to the contract user.

Moreover, Oishi '264 like Smith '140 does not disclose or suggest, however, a measurement data generating method applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument, wherein the method comprises collecting the measured data items in a collection center, and generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data items according to contract conditions for each of the plurality of contract users, as provided by the invention claimed in amended claim 1, or a

measurement data generating apparatus applied to a system for observing a ground based on various data items measured at one or more observation points by at least one measuring instrument, wherein the apparatus comprises collecting means for collecting the measured data items in a collection center, and generating means for generating measurement data for each of a plurality of contract users, which is obtained by editing the measured data items according to contract conditions for each of the plurality of contract users, as provided by the invention claimed in amended claim 7.

Therefore, even a combination of the teachings of Smith '140 and Oishi '264 in the manner suggested by the Examiner fails to teach or render obvious all features of the claimed invention.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103.

In view of the amendments to the claims and remarks hereinabove, Applicants maintain that claims 1-12 are now in condition for allowance. Accordingly, Applicants earnestly solicit the allowance of the application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the telephone number provided below.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

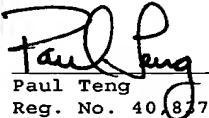
No fee is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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November 17, 2003
Date